

Commissioner Michael Powell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Powell:

I am submitting comments on the Federal Communications Commission's Notice of Proposed Rule Making, Retention by Broadcasters of Program Recordings (MB Docket No. 04-232). My comments are specifically related to how the Commission's "proposed record retention requirements will affect the record-keeping practices of broadcast stations," particularly small broadcasters.

I appreciate the Commission's efforts to curb indecent material broadcast on radio and television. In fact, I supported legislation in the U.S. House of Representatives to increase the penalties imposed for broadcast indecency. However, I am concerned that the capital investment required to record and archive thousands of hours of broadcast time would be particularly burdensome on broadcasters operating in smaller markets. Generally, most small market stations do not have the equipment and workforce capacity to continuously record all programming from 6 a.m. until 10 p.m. Additionally, an extra expense would be incurred for space to store the recordings.

Broadcasters usually do not record programming. If broadcasters do retain program recordings it is for a limited time and for a specific purpose. For example, a recording may be used as a sound bite for an interview or news story and discarded after use. I believe that "one size fits all" will not work for this issue. Instead of imposing standard archive criteria on all broadcasters without regard to medium and size, perhaps the Commission could consider station size, including market area and revenue, as well as take into account stations' complaint histories.

Local broadcasters are an integral part of their communities, particularly in rural states. It is imperative for the Commission not to develop the retention regulation in a vacuum. Instead, all stakeholders must work in good faith to develop a compromise that achieves the goal of curbing indecent material while not burdening our local broadcasters operating in small markets.

I appreciate consideration of my comments.

Sincerely,

Mike Ross